

Clerk, U.S. District Court
Southern District of Texas
FILED

MAR 16 2015

A091 (Rev. 8/01) Criminal Complaint

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

V.

Saul ZUNIGA**CRIMINAL COMPLAINT**

Case Number:

C-15-304M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 3/15/2015 in Brooks County, in the

(Date)

Southern District of Texas defendant(s) **Saul ZUNIGA**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:
Official Title

See Attached Affidavit of U.S. Border Patrol Agent **Patrick Schellinger**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No


Signature of Complainant

Patrick Schellinger
Printed Name of Complainant

Sworn to before me and Probable Cause found, signed in my presence,

March 16, 2015

Date

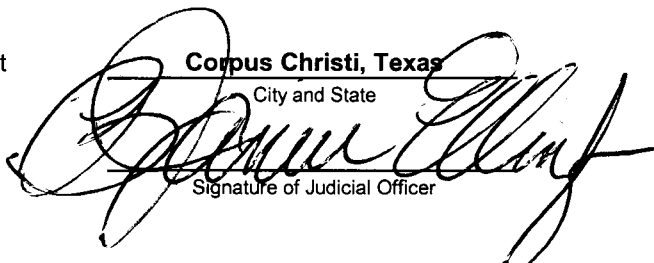
B. Janice Ellington, U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State


Signature of Judicial Officer

Affidavit

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information related to me by other agents and officers participating in the investigation.

On March 15, 2015, ZUNIGA, Saul (POB: McAllen, TX, DOB: 03/28/1965) was arrested for attempting to smuggle one Mexican National (CHAVARRIA-ROMERO, Nestor Rafael) through the United States Border Patrol checkpoint.

On March 15, 2015, Border Patrol Agent Akinniyi Akinropo was assigned immigration inspection duties at the United States Border Patrol Checkpoint, located south of Falfurrias, Texas on Highway 281.

At approximately 4:35 A.M., a Green Dodge Ram 1500 bearing Texas License Plates FFF1689 approached the primary inspection area. Agent Akinropo asked the male driver, later identified as Saul ZUNIGA, if he was a United States citizen and ZUNIGA responded "Yes". Agent Akinropo asked the front passenger, later identified as CHAVARRIA, if he was a United States citizen and he responded "yes" with hesitation. Due to the hesitation in responding, Agent Akinropo asked Chavarria where he was born and CHAVARRIA said "Alla". Agent Akinropo then asked CHAVARRIA where he was born in Spanish and CHAVARRIA said "McAllen, Texas". Agent Akinropo referred the vehicle to the secondary area for further immigration inspection of CHAVARRIA.

Once at secondary, the ZUNIGA and CHAVARRIA were told to exit the vehicle. Agent Akinropo then asked CHAVARRIA if he had any documents to be in the United States legally. CHAVARRIA claimed not to have any document in his possession and readily admitted to be a citizen and national of Mexico illegally present in the United States. CHAVARRIA was then placed under arrest for his illegal entry. Agent Akinropo then placed ZUNIGA under arrest for his attempt to smuggle undocumented alien through the United States Border Patrol Checkpoint. ZUNIGA and CHAVARRIA were then taken inside the Border Patrol Checkpoint for further interviewing and processing.

PRINCIPAL MIRANDA WARNING/STATEMENT:

Agent Akinropo was read ZUNIGA his rights in his preferred language of English, as per form I-214, while Agent Renee Luna witnessed. ZUNIGA signed the form indicating he understood his rights and signed indicating he would speak without a lawyer present.

ZUNIGA claimed he met Chavarria at Flying J gas station in Edinburg, Texas. ZUNIGA claimed he was just giving CHAVARRIA a ride further north. ZUNIGA stated he was aware of CHAVARRIA being illegally present in the United States, but he was only doing CHAVARRIA a favor.

Record checks ran at the time of this arrest revealed ZUNIGA has a prior arrest for Alien Smuggling. ZUNIGA was arrested on October 03, 2013 near Falfurrias, Texas for his involvement in a two on one Alien Smuggling case.

MATERIAL WITNESS STATEMENT:

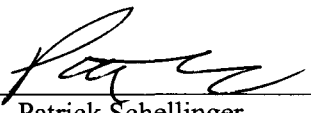
Agent Akinropo read CHAVARRIA his Rights in his preferred language of Spanish, as per form I-214, while Agent Renee Luna witnessed. CHAVARRIA signed the form indicating he understood his rights and signed indicating he would speak without a lawyer present.

CHAVARRIA stated he entered the United States illegally about a weeks ago from his home country of Mexico. CHAVARRIA stated he did not have any document to remain in the United States legally and no petition of such was filed on his behalf. CHAVARRIA stated he paid an unknown individual \$1,000.00 to

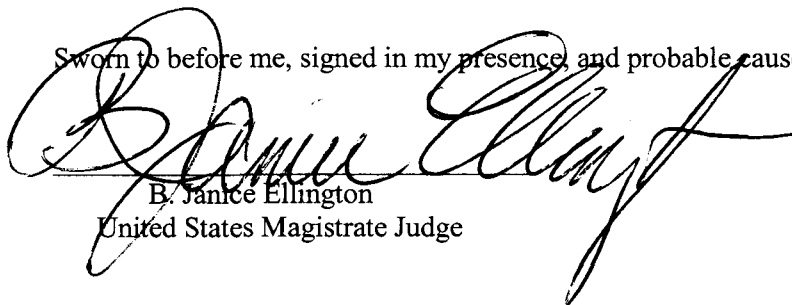
cross illegally into the United States. CHAVARRIA claimed he has since been staying at an unknown hotel in McAllen, Texas. CHAVARRIA stated that on March 14, 2015 around 5.00 P.M an unknown individual called him and told him to walk to Flying J gas station in Edinburg, Texas and wait for a green truck. CHAVARRIA claims he was told that truck would take him for a ride further north. CHAVARRIA claimed ZUNIGA later showed up at the Flying J in a green truck and ordered him to get inside the truck. CHAVARRIA claimed ZUNIGA was aware of him being a citizen and national of Mexico illegally present in the United States. CHAVARRIA claimed all smuggling arrangements with ZUNIGA were made by the unknown person that told him to walk to the Flying J gas station in Edinburg, Texas.

The facts of this case were presented to Assistant United States Attorney Sam Brown who accepted ZUNIGA for the prosecution of alien smuggling.

CHAVARRIA will serve as a Material Witness in this case.


Patrick Schellinger
Border Patrol Agent

Sworn to before me, signed in my presence, and probable cause found on this 16th day of March 2015.


B. Janice Ellington
United States Magistrate Judge